

UNITED STATES DISTRICT COURT
WESTERN DISTRICT
AUSTIN, TEXAS

FILED
2011 AUG 15 AM 9:14
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY

JIM D FEAGIN
Plaintiff

Vs

A11 CA 702 LY
Civil Action

DEPUTY MARK CRUISE
AND
SHERIFF GREG HAMILTON
Defendants

Individual & Official Capacities

1983 CIVIL RIGHTS COMPLAINT

PARTIES

1. Plaintiff, Jim Feagin is a prisoner who, at one time relevant to this complaint was an informant for the Travis County Sheriff's Office and was incarcerated at the Del Valle United States Penitentiary and Victorville, California.
2. Defendant Sheriff Hamilton operates the Travis County Sheriff's Office located at P. O. 1748, Austin, Texas.
3. Defendant Mark Cruise is employed as a Deputy Sheriff for the Travis County Sheriff's Office.

JURISDICTION AND VENUE

4. This action is filed pursuant to U. S. C. 1983 seeking redress of injuries suffered by Mr. Feagin for deprivation under color of Texas Law of Rights secured by the First, Eighth and Fourteenth Amendment to the United States Constitution. Accordingly, this court has jurisdiction over this action under 28 U. S. C. 1331 and 1343 (a) (3).

5. Venue is proper within this district pursuant to 28 U. S. C. 1391 because the main asserted claim for relief arose in this district.

STATEMENT OF CLAIM

GROUND ONE

On or about September 17, 2008 Plaintiff Jim Feagin notified Deputy Charlie Neal, whom he worked for as an informant for the Travis County Sheriff's Office vice unit that Deputy Mark Cruise, a colleague in that office had told an individual identified as Linda Hartner that her son Matthew Hartner might want to watch it because Jimmy Feagin gives information to the police. See Exhibit 1 and 2 whereby on or about October 17, 2008. While plaintiff was incarcerated at the Del Valle Correctional Complex, Plaintiff was confronted by three inmates that Plaintiff had never seen before, and was told by one of them that he knew Plaintiff was a snitching rat for the Travis County Sheriff's Office

because Deputy Cruise had recently told him. It should be noted that under the Travis County Sheriff's official state Code of Ethics, Deputy Mark Cruise took an oath as to whatever he sees or hears of a confidential nature or what is confided in him in his official capacity will be kept ever secret. See Exhibit 3. On or about November 26, 2008. Deputy Mark Cruise admitted making these remarks to Linda Hartner and Cruise was found guilty of Unbecoming Conduct. See Exhibit 5. Because of Deputy Cruise's remarks, Plaintiff has had to live in constant fear for his life, having been attacked on four separate occasions from unknown and known individuals, including having shots fired into his home at 9203 Claxton Drive, Austin, Texas and being called an informant. Whereby, during the third week of October, 2008, Sheriff Hamilton of the Travis County Sheriff's office knowingly and intentionally told a Ms. Barton, a citizen who had no official status with the Travis County Sheriff's office that Plaintiff was indeed an informant for the Travis County Sheriff's Office. See Exhibit 4. Sheriff Hamilton made these statements during a meeting with two women who had no need to know and while plaintiff was still incarcerated at the Del Valle Correctional complex for possession of a gun which he brought to protect himself.

On or about July of 2009, Plaintiff was committed to the US. Penitentiary at Victorville, California. And where some two weeks after plaintiff's arrival at Victorville, plaintiff was stabbed and kicked in the mouth and the ribs, causing the jaw to break in two places and received a concussion to his head by a member of the Aryan Brotherhood Gang who stated to Plaintiff, word follows you snitch. You can't hide. We knew about you weeks before you got here. The sheriff and deputy said you were a rat. Plaintiff was later told

by an inmate in the Segregation unit, that there were inmates from the Austin, Texas area who knew about the statements made by Sheriff Hamilton and Deputy Mark Cruise and had spread the word on Plaintiff. See Exhibit 7.

GROUND TWO

On information and belief the Travis County Sheriff's Office failed to properly train its employees, such Deputy Mark Cruise and Sheriff Hamilton in the area of Prisoner's constitutional rights to be free from harm by not labeling him an informant. On information and belief, it was customary for the Travis County Sheriff's Office to ignore complaints about Deputy Mark Cruise's bad conduct. He had a detailed history in showing an inability to change his behavior following twelve disciplinary actions taken against him. See Exhibit 5.

PRAYER FOR JUDGMENT AND RELIEF

Wherefore, Jim Feagin requests that this court enter a judgment in his favor and against Sheriff Hamilton and Deputy Mark Cruise, including:

1. A judgment declaring the Defendant's practices, acts and omission as described herein violate Mr. Feagin's rights as guaranteed by the Eighth Amendment, First and Fourteenth Amendments to the Constitution of the United States;
2. An award of \$3,500,000 in actual and/or punitive damages.

3. An award of court costs and attorney's fees; and
4. A judgment for any and all other such relief as this court deems just and appropriate under the circumstances

August 15, 2011

Jim D Feagin
Jim D. Feagin by wife, Phyllis
Feagin (power of attorney)
Phyllis Feagin

I declare under penalty of perjury that the foregoing is true and correct.

August 15, 2011

Jim D Feagin
Jim D. Feagin by wife, Phyllis Feagin
(power of attorney)
Phyllis Feagin